

MEMORANDUM

TO: Members of the Committee on Organization and Mission
FROM: Ricardo R. Fernández, Chair *Ricardo R. Fernandez*
RE: Draft of the Committee Report
DATE: November 12, 1985

Attached for your review and comment is a draft of the report I put together after two lengthy sessions at the Fund with Linda Flores.

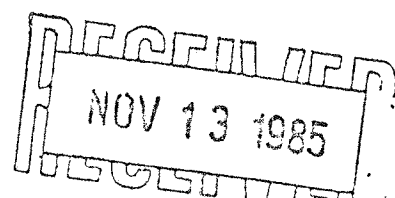
As you may recall, I tried twice last summer (June and late August) to convene a meeting of our committee but for various reasons (mostly schedule conflicts among us and a fairly busy summer for me), we were unable to meet as a group. Nevertheless, we were charged with reviewing the organization and mission of PRLDEF and with preparing a report to the Board of Directors. The process which I followed in putting together this draft is explained below.

First, I reviewed the various functions in which PRLDEF is (or should be) involved according to the incorporation papers, which are now 14 years old. Secondly, I analyzed the Fund's current administrative structure as well as the Board's, which is analogous to some extent because it is meant to be supportive of the Fund's efforts). Lastly, I incorporated what I thought were suggested changes to address the weaknesses found in the preceding analysis. Included in these recommendations are ideas generated as a result of my extensive discussions with Linda, my own thinking about what is needed, and suggestions taken from earlier documents submitted to the Board by previous committees or individuals.

The document provides a starting point for discussion, not a final product. I would have preferred a discussion of this draft among ourselves prior to this time. However, given time constraints and the need to report at the Board meeting on the 15th, I am sending this draft which is subject to modifications based on your reactions and other suggestions which may emerge from the discussion by Board members at the meeting, and by each of the "standing" committees after that.

cc: Jorge L. Batista
Linda Flores

Attachments (2)



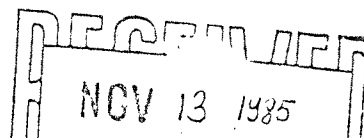
DRAFT REPORT

November 11, 1985

Organization and Mission Committee
Puerto Rican Legal Defense and Education Fund, Inc.

The certificate of incorporation of the Puerto Rican Legal Defense and Education Fund, Inc. (PRLDEF), dated 2 December 1971, lists the following activities in which the corporation will engage "to seek, through the legal process, to insure equal protection of the laws and the protection of civil rights of persons of Puerto Rican extraction:"

- a) to initiate or join in judicial and administrative proceedings whenever legal rights and interests of significant numbers of Puerto Ricans are affected;
- b) to provide to persons of Puerto Rican extraction information which will broaden their awareness of their legal rights and obligations;
- c) to inform the legal community and the public of the goals, methods and accomplishments of the Corporation through the publication of materials and the use of other communications media;
- d) to render technical assistance to any legal services corporation or agency in regard to legal issues affecting the Puerto Rican community;
- e) to promote coordination of efforts with other organizations, groups and individuals such as agencies of government on the local and federal level, private social welfare agencies, universities and law schools,

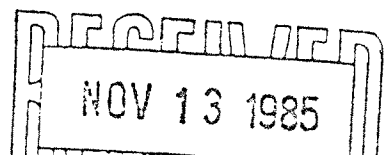


law enforcement officials, the Bar and the Judiciary relative to the legal problems of the Puerto Rican community;

- f) to conduct research and prepare studies concerning general legal problems of Puerto Ricans by itself or by contract with appropriate organizations, and to make known the results of such research;
- g) to promote legal education among Puerto Ricans by recruiting and encouraging potential law students of Puerto Rican extraction and by providing assistance to such students after admission to law schools; and
- h) to do any and all other things appropriate and proper for the furtherance of its purposes.

These activities can be clustered around three major areas or functions, to wit: 1) litigation and legal advocacy (education, employment, housing, language policy, police brutality, social services, voting rights); 2) legal education; and 3) information dissemination/data collection/research. A fourth, essential function, which in recent years has taken up an increasing amount of time and resources, is fundraising. It is anticipated in this analysis that the activities or functions listed above will not change significantly in the years ahead.

A review of the administrative structure of PRLDEF indicates that there are two divisions - the Legal Division and the Education Division - with the President and General Counsel (P&GC) serving as the Chief Executive. The fundraising function is housed within the office of the P&GC. The information



dissemination/data collection/research function has been performed from time to time, as needed, by staff from the Legal Division, the Education Division and/or the P&GC. However, under the current structure, this function is not covered formally by either division. Thus, major activities in which the Fund should be engaged in are not part of the day-to-day operation of the corporation.

Staff Roles/Duties

1. President and General Counsel

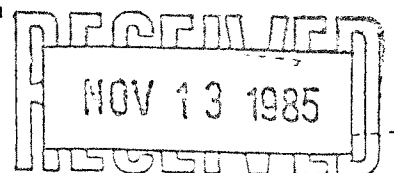
The P&GC is responsible to the Board of Directors for the overall administration of the Fund. She serves as office manager, program supervisor, public relations person, resource developer, and Board facilitator. Currently, the position of Fundraiser/Resource Developer is vacant.

2. Attorneys

Staff attorneys are the initiators of litigation and legal advocacy, after consultation with the P&GC, and they engage in all the research and background work necessary to advance the Fund's legal work. There are two (2) vacant staff attorney positions at this time (Nov. 1985).

3. Legal Education Personnel

The staff of this division conducts workshops and other training for pre-law and law students, and engages in other activities (e.g., scholarship application review process, recruitment, liaison with law schools and other organizations), as needed. Currently, the P&GC, given her expertise in this area, directly oversees the work of this division



4. Secretarial Personnel

The primary role of the secretarial staff is to provide support for the various functions and activities of the two divisions and the office of the P&GC.

Board Committees and Functions

There are four "standing" Board committees: (in addition to the Executive Committee):

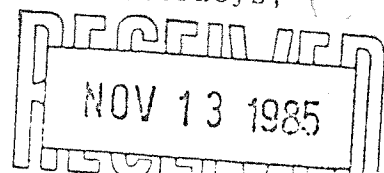
- a) Litigation
- b) Education
- c) Nominations
- d) Finance

In addition, in the past years there has been a committee on the annual dinner. Because of the importance of fundraising to the Fund, it may well be that a "standing committee" needs to be established in the area of resource development. If this were to happen, the Annual Dinner Committee could become part of the larger committee on "Development."

Although the functions of these four committees are not delineated in the by-laws nor in the appointment letter sent by the Board Chair who appoints all members yearly, their roles customarily have included the following:

A. Litigation:

- (1) Review docket of current litigation;
- (2) Explore areas of potential litigation and set priorities for the Fund for the year;
- (3) Identify training needs (and persons to deliver such training or in-service) of PRLDEF staff attorneys;



(4) Identify law firms and individuals that will do pro bono work for PRLDEF in certain fields/areas where expertise is insufficient or resources are lacking.

B. Education:

(1) Review data relative to admission standards, recruitment and retention of PR/Latino students in law schools;

(2) Provide training workshops to assist students in applying for admission to law school; assist law students to stay in school;

(3) Review list of recommended recipients of scholarships administered through PRLDEF;

(4) Assist in the data collection/information dissemination/research function of PRLDEF.

C. Nominations:

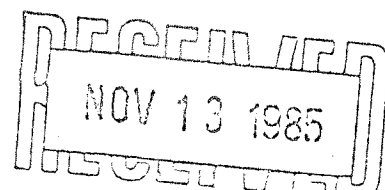
(1) Recommend to the PRLDEF Board of Directors yearly a slate of officers;

(2) Solicit and review credentials of persons who are identified as potential Board members; make nominations to the Board of new members to be elected to fill any vacancies or unexpired terms.

Note: A copy of my June 13, 1985 letter to Jorge Batista with suggestions about an expanded role for this committee is attached.

D. Finance:

(1) Review the fiscal statements of the corporation to



insure that the financial condition of the Fund is reported accurately to the Board;

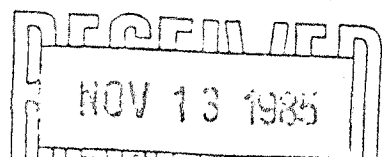
(2) In consultation with the P&GC, assist in the development of priorities for the Fund, to be reflected in an annual budget to be presented for approval to the Board prior to the beginning of the fiscal year;

(3) Develop a fund raising plan and assist in identifying and tapping potential donors/contributors to the Fund. (Note: the establishment of a "standing" Development Committee would transfer this function but there should be ongoing interaction between this committee and the Finance Committee.)

Current Conditions

The present administrative structure, as described above, and the corresponding Board structure, are not conducive to the most effective operation of the Fund. This conclusion is necessitated by the fact that there is an overconcentration of responsibilities in the office of the P&GC and because currently there are some functions that are being carried out inefficiently or not at all. This situation is complicated further by a reduced involvement of some of the Board's Committees, whose functions have not been spelled out and, therefore, have not been as supportive of the Fund's work as they can be under proper direction.

Clearly, the disruption of the past two years has not helped this state of affairs, which is being addressed and shows signs of being corrected. Therefore, the following changes are



proposed for your consideration:

A. Office of the President and General Counsel

The position of Vice President should be established. This person should perform several tasks which are supportive of the work of the P&GC, including: 1) assist with administration of the Fund's operation, with a focus on personnel; 2) assist with program supervision in the Education and Legal divisions; 3) assist in the public relations work of the Fund; 4) assist with staff development and training for program divisions. To be sure, there would be an overlap in responsibilities between this person and the President & GC. Indeed, the P&GC would be expected to lead while the VP would follow in several areas, and s/he would function as a sort of acting P&GC in her absence. The P&GC's job description should be revised in tandem with the VP's proposed duties and responsibilities. Given our current fiscal condition, it is not possible to fill two positions (Director of Education Division and Director of Legal Division). However, a consolidation of functions is possible under one position, that of Vice President.

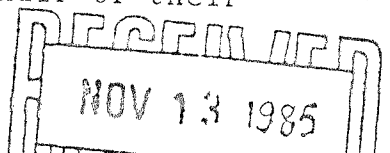
B. Education Division

The function of this division should be expanded and resources allocated to allow it to carry out properly the data collection/information dissemination/research function. It would be expected that the Fund, rather

than engage in major research efforts, could enlist the help of researchers at colleges/universities in the greater NY area to assist the Fund's staff in its work. The role of the Fund would be more aptly described as linking itself to on-going research efforts and disseminating pertinent information/data to its various constituencies (students, law schools, community organizations, corporations/private industry, foundations. public/governmental agencies). In this regard, a Research Advisory Committee made up of a few Board members with an interest in research and volunteers from academia should be established to assist the Fund in carrying out its functions under this area, which heretofore have been neglected for lack of direction and resources. It may not be possible to carry out this recommendation in the immediate future but it is an activity that should be considered.

C. Board of Directors

1. The purpose(s) of each committee of the Board of Directors should be clearly defined in the letter of appointment.
2. Board members should be made aware of the service expectations that fellow members have of them. A detailed listing of responsibilities should be given to each new member upon election to the Board. Members should be reminded, as needed, by the Chair of their



responsibilities as Directors of the Fund. Inactive members should be let go, as per the Fund's By-Laws.

3. The Board of Directors should receive training from time to time to help members learn how they can be more effective during their tenure on the Board.

4. There should be a mechanism to ensure regular turnover of Board members after a specified period of service, such as 5 - 6 years.

Other Business

There are two major policy questions still to be addressed about the mission of PRLDEF. The first one has to do with the changing Hispanic population of New York City and the metro area. In 1971-1972, when PRLDEF was founded, Puerto Ricans constituted the overwhelming majority of Hispanics in this area. In 1985, although they are still the majority, other groups have appeared on the scene and their numbers have grown significantly in the past decade and a half. The October 28, 1985 issue of the Hispanic Link Weekly Report (Vol. 3, No. 43) reported the following distribution of Hispanics in New York in 1985:

<u>Origin</u>	<u>Number</u>	<u>Percent</u>
Puerto Rico	1,142,996	46.8
Dom. Republic	652,094	26.7
So./Central Am.	402,979	16.5
Cuba	175,846	7.2
Mexico	53,731	2.2
Spain	14,654	0.6
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TOTAL	2,442,300	100.0

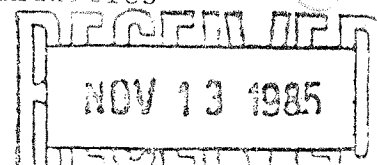
Based on head of household country of origin
Source: Strategy Research Corporation

Given these demographic changes, it is clear that in all

likelihood PRLDEF will be representing Hispanic clients who are not of Puerto Rican extraction in some of its litigation. For example, in Aspira v. Board of Education, many Dominican children who are limited in their English proficiency fall under the consent decree and are in fact beneficiaries, if not official clients, of PRLDEF's efforts. Although the Fund has not been active in the area of immigration law, one can anticipate that requests for assistance in this area will be forthcoming from non-Puerto Rican Hispanics, to whom this is a major concern. Indeed, one hears with increasing frequency the use of the phrase Puerto Rican/Hispanic to describe the population which the Fund serves.

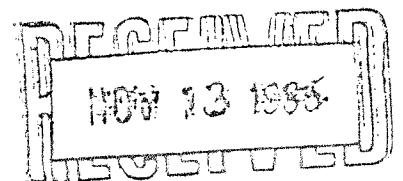
What all this suggests is unclear at this point in time. It is not expected that PRLDEF will lose its identity as an agency that serves primarily the needs of the Puerto Rican community. However, some accommodation to incorporate to some extent the issues and concerns of an increasingly diverse Hispanic population in the Northeast will be required. Rather than back into it, this report suggests strongly that the PRLDEF Board of Directors address this issue directly and establish policies that look to the future development of our organization.

The second issue is the enhancement of the Fund's visibility and status at the national level. In order for PRLDEF to become a full-fledged national organization advocating for the rights of Puerto Ricans and other Hispanic groups, the work of the Fund needs to extend in a significant manner beyond the greater New York metro area. Apart from working in Hispanic communities



outside of New York (city and state), a plan of national advocacy and networking with other organizations (Hispanic and non-Hispanic) interested in civil rights must be developed. Of special interest are the various legal defense funds (MALDEF, NOW, NAACP) and other units (e.g., the Multicultural Education Training and Advocacy - M.E.T.A. - in Cambridge, MA) which litigate and generally seek to promote civil rights issues affecting minorities and women. In the current era of diminished resources and lower general public interest in civil rights (and downright hostility in some instances), it is increasingly difficult for any single organization or group, by itself, to take on a major issue or area of concern. Thus, cooperation and collaboration are needed more now than at any time in the recent past.

A visible vehicle of information dissemination which also helps to build linkages with other Puerto Rican/Hispanic civil rights organizations across the country is required. Whether this vehicle would be a bulletin or newsletter, or some other, more modest form of communications, such as an "Action Alert," depends on available resources. The extensive work of the Fund must be made known to the Puerto Rican/Hispanic community and to the general public through a regular, consistent communications vehicle which is part of a broader public relations, image building effort for PRLDEF. This has to be a plan of action in order for it to be carried out, with both short-term goals and long-range objectives, and human as well as fiscal resources need to be assigned to this vital function.





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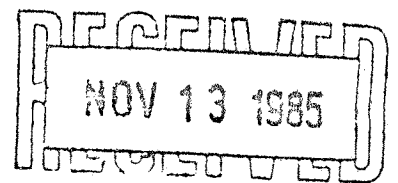
June 13, 1985

Jorge L. Batista, President
Board of Directors
Puerto Rican Legal Defense and Education Fund, Inc.
99 Hudson Street
New York, NY 10016

Dear Jorge:

I would like to reiterate the suggestion I made at the June 8 Board meeting that the new charge to the Nominations Committee be expanded to include the following:

- a) Develop specific criteria for screening potential Board members, to insure broad representation along racial/ethnic lines, individual/expertise (business and industry, banking, community agencies, law, education, medicine, etc.) and regional representation (East Coast, Midwest, FL, Puerto Rico);
- b) Development of a plan to identify and recruit potential new members for the Board, in accordance with criteria developed under (a) above;
- c) Develop a policy regarding length of time that individuals should serve on the Board (e.g., two consecutive 3-year terms) to insure an on-going infusion of new talent and expertise on the Board, and to prevent burnout;
- d) Develop a plan for training and skill development for the Board of Directors in order to make them more effective in their roles
- e) Development of plans to periodically (yearly, every two years) survey the Board to ascertain their affiliation with other organizations on whose Boards they sit, contacts with possible funding sources, special skills/expertise they might lend to the Board or the Administration in particular areas, e.g. litigation related to housing, health, etc., research, contacts with foundations or major corporate enterprises, contacts with community organizations, etc.





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